



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,791	01/30/2004	David S. Breed	ATI-373	7128
22846	7590	02/22/2005	EXAMINER	
BRIAN ROFFE, ESQ 11 SUNRISE PLAZA, SUITE 303 VALLEY STREAM, NY 11580-6170			CULBRETH, ERIC D	
			ART UNIT	PAPER NUMBER
			3616	
DATE MAILED: 02/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/768,791

Applicant(s)

BREED ET AL.

Examiner

Eric D Culbreth

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/26, 10/18, 12/27/4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. Patent number 3,633,939 on the form PTO-1449 filed 10/27/04 is apparently an incorrect number (the patent refers to a trailer hitch).

### ***Drawings***

2. The drawings are objected to because of the following informalities. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

- a. In Figure 2, the lead line for reference numeral 110 does not touch the airbag (page 12, line 8).

Art Unit: 3616

b. In Figure 2, the lead line for reference numeral 152 does not point to a clearance (page 12, line 8).

c. Reference numeral 975 (page 16, lines 26-27) is not in Figure 9 or Figure 10 (it is in Figure 9A); note also reference numeral 904.

d. Figures 10 and 10A are not clear because they are upside down in relation to Figure 9.

e. Contrary to page 17, line 27 reference numeral 942 is not a firing pin (earlier in the disclosure, the reference numeral referred to the firing pin spring).

f. Contrary to page 19, lines 2-10, part 1302 as labeled in the figure already contacts part 1301 at the bottom of the housing. (It is not clear in the figure what part of the invention is 1302; if it is on the outside of the housing 1310 as labeled by 1302's lead line, it is not clear how it would ever come in contact with part 1301.) Generally, Figure 13 should be carefully reviewed and corrected.

g. In Figure 13, reference numeral 1341's lead line does not contact the sensing mass (page 19, line 11).

h. Contrary to page 19, lines 12-13 the direction is not upward.

### ***Specification***

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Art Unit: 3616

4. The disclosure is objected to because of the following informalities:

a. Page 1, lines 1-2 should be corrected to state that application 09/435,045 has issued as US Patent 6,685,218.

b. Page 8, lines 25-28 are an incomplete sentence (apparently, “upon” should be “if”).

c. On page 15, line 30, “8.” should be “8,”.

d. On page 17, line 19 it is not clear what the “curved impact plate” is from the previous disclosure (no curved impact plate has been recited earlier in the specification).

e. Page 17, lines 19-21 are generally not clear (i.e. the deflection of the curved sensor cover is not clear because no such deflection has been previously mentioned in the specification).

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2-20, 22-27 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. In claim 2, it is inaccurate to recite that the transfer means are arranged to adjust for mismatch (the plate accounts for mismatch; “adjust” means to change something to fit, and the plate is not “changed” or moved).

Art Unit: 3616

- b. Claim 5 should end with a period.
- c. Claim 9 should end with a period.
- d. In claim 11, it is inaccurate to recite "adjustment means", as the plate is not adjusted.
- e. Claim 15 should end with a period.
- f. Claim 19 should end with a period.
- g. In claim 22, it is inaccurate to recite that the transfer device is arranged to adjust for mismatch.
- h. Claim 25 should end with a period.
- i. Claim 29 should end with a period.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-5, 7-15, 17-25 and 27-30 as best understood are rejected under 35 U.S.C. 102(b) as being clearly anticipated by UK Patent Application 2,255,535.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3616

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 6, 16 and 26 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over UK '535.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify UK '535 to include a circular plate as plate 14, as the specification gives no stated reason or particular purpose for using a circular plate or transfer means, and the invention would appear to work just as well with a square or rectangular plate as with a circular one, so long as the plate covers an enlarged area that strikes the sensor in an accident.

### *Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kiuchi et al (US005392024A), Taguchi et al (US005307896A) and European Patent 305, 655 are cited to show sensors in doors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric D Culbreth whose telephone number is 703/308-0360. The examiner can normally be reached on Monday-Thursday, 9:30-7:00 alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Eric D Culbreth  
Primary Examiner  
Art Unit 3616